



U.S. Department of Commerce
National Oceanic and Atmospheric Administration



U.S. Environmental Protection Agency

Mr. Jim Rue, Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540

Mr. Dick Pedersen, Director
Department of Environmental Quality
811 SW 6th Avenue
Portland, Oregon 97204-1390

Dear Directors Rue and Pedersen:

As you know, on January 30, 2015, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) found that Oregon had not submitted a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). NOAA and EPA found there were several gaps in Oregon's program related to forestry. It is our understanding that Oregon is interested in closing these gaps in forestry management measures and with this letter we are transmitting a summary of ways in which the State may choose to do so.

The enclosed document titled "Options for Closing the Gap on Forestry Management Measures" provides an overview of some of the options Oregon could consider to close the gap and develop additional management measures for forestry. It is designed as a starting point for further conversations among NOAA, the EPA and relevant state agencies to help achieve this goal. This document describes how Oregon may choose to strengthen and expand its forest management measures within its coastal nonpoint management area in ways that will achieve a healthier, more resilient coastal environment and meet CZARA statutory objectives.

Next Steps

The deadlines for negotiating FY 2015 Coastal Zone Management Act Section 306 and Clean Water Act Section 319 funding draw near (the end of April for NOAA's coastal zone management program funding). The federal agencies request a written confirmation from the State by April 15, 2015, stating that Oregon intends to strengthen its forestry management measures and thereby address the gaps. As you know, closing the gaps on forestry is a critical step to achieve a fully approvable coastal nonpoint program under CZARA.

During this spring and summer, the federal agencies are prepared to engage in a series of conversations with the relevant state agencies to assist the State in developing a plan to address the gaps in forestry. Ideally these conversations would lead to the development of a more detailed strategy, complete with interim milestones and expected dates for meeting those milestones that Oregon would then provide to NOAA and EPA by fall 2015. As part of such a plan, it would be helpful for the State to indicate whether it intends to use a voluntary or regulatory approach (or a combination of both) to address the additional management measure for riparian protection for small and medium fish-bearing streams and non-fish-bearing streams, management of forestry roads, protection of landslide-prone areas, and the protection of non-fish bearing streams during the aerial application of herbicides. As a kick off for this effort, the federal agencies would like to set up a half day meeting in Portland or Salem, Oregon with relevant state agencies during late April or May.

Please have your staff contact Jayne Carlin at carlin.jayne@epa.gov or (206) 553-8512 regarding the logistical arrangements.

Our January 30, 2015, disapproval decision was solely based on forestry. As NOAA and EPA work with Oregon on forestry, we are also interested in engaging in dialogue with the State on the comments we received on Oregon's agricultural measures. We sought public comment on the agricultural measures but did not formally propose a decision that included the agricultural measures. When the time comes to propose a decision on the entirety of Oregon's coastal nonpoint program, we would like to have the most current and accurate information on the State's programs, including the agricultural management measures.

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program and we are committed to continuing to work with you and your staff to achieve this goal. If you have any questions, please contact Jeff Payne at (843) 740-1207 or Dennis McLerran at (206) 553-1234; or have your staff contact Joelle Gore (NOAA) at (301) 563-1178, or Christine Psyk (EPA) at (206) 553-1906.

Sincerely,

Jeff Payne, Acting Director
Office for Coastal Management
National Oceanic and Atmospheric
Administration

Dennis McLerran, Regional Administrator
Region 10
U.S. Environmental Protection Agency

Enclosure: *Options for Closing the Gap on Forestry Management Measures*

cc: Mr. Richard Whitman, Oregon Governor's Office
Mr. Doug Decker, Oregon Department of Forestry
Mr. Peter Daugherty, Oregon Department of Forestry
Ms. Katy Coba, Oregon Department of Agriculture
Ms. Patty Snow, Oregon Department of Land Conservation and Development
Mr. Eugene Foster, Oregon Department of Environmental Quality
Ms. Karen Tarnow, Oregon Department of Environmental Quality